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Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants.

Case No.: CV 07-02952 WHA

**DECLARATION OF MAX L.
KELLEY IN SUPPORT OF
STIPULATED REQUEST FOR
ORDER CONTINUING HEARINGS
RE ORAL ARGUMENT AND
RULING**

Oral Argument Hearing: June 5, 2008
3:15 p.m.

Ruling: June 6, 2008
7:30 a.m.

Courtroom 9, 19th Floor
Hon. William H. Alsup

And Related Counterclaims

I, Max L. Kelley, hereby declare:

1. I am an associate in the firm of Cox, Wootton, Griffin, Hansen & Poulos, LLP, attorneys of record for Plaintiff Del Mar Seafoods, Inc. ("Del Mar"). I submit this

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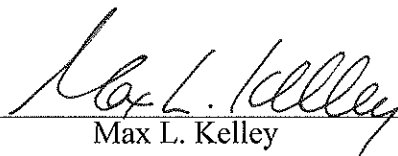
DelMarSeafoods2504

1 declaration in support of the parties' Stipulated Request for an Order Continuing the Hearings
 2 re Oral Argument and Ruling. I have personal knowledge of the facts stated below and if
 3 called to testify regarding those facts, I would and could competently testify thereto.

4 2. Gregory Poulos, lead trial counsel for Plaintiff Del Mar Seafoods, Inc., is
 5 currently out of the country and will not return until June 12, 2008. Mr. Poulos is currently
 6 in Athens, Greece co-chair the International Maritime Law Conference sponsored by the
 7 International Bar Association which runs from June 8 through June 10, 2008. (The website
 8 for the Conference is: <http://www.ibanet.org/conferences/Maritime%5FLaw/>.) Mr. Poulos
 9 had committed to serving as co-chair and scheduled this trip approximately one year in
 10 advance, and the trip has been pre-paid.

11 3. Yesterday afternoon I spoke by telephone with lead defense counsel, Mr.
 12 James P. Walsh, and informed him that Mr. Poulos was out of the country until June 12,
 13 2008 and that, therefore, Plaintiff intended to request a continuance of the hearings for oral
 14 argument scheduled for this Thursday, June 5, 2008 and for the Court's ruling on June 6,
 15 2008. Mr. Walsh informed me that he would be out of town and unavailable on June 13,
 16 2008, but was otherwise amenable to continuing the hearings until Mr. Poulos had returned.

17
 18 I declare under penalty of perjury under the laws of the United States of America that
 19 the forgoing is true and correct. Dated June 4, 2008, at San Francisco, California.

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 21 
 22 Max L. Kelley

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 26 COX, WOOTTON,
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28 DelMarSeafoods/2504